

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

HAKUMAT RAI KAKKAR, M.D.)

Case No. 800-2018-042722

**Physician's and Surgeon's)
Certificate No. A31002)**

Respondent)

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on February 11, 2019

IT IS SO ORDERED February 4, 2019

MEDICAL BOARD OF CALIFORNIA

**By: Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-042722

13 **HAKUMAT RAI KAKKAR, M.D.**

14 **495 Uinta Way, Suite 130**
15 **Denver, CO 80230**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate No. A
31002**

17 Respondent.
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,
25 Deputy Attorney General.

26 2. Hakumat Rai Kakkar, M.D. (Respondent) is represented in this proceeding by
27 attorney Lawrence Giardina.
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2 3. On or about April 18, 1977, the Board issued Physician's and Surgeon's Certificate
3 No. A 31002 to Hakumat Rai Kakkar, M.D. (Respondent). The Physician's and Surgeon's
4 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
5 No. 800-2018-042722 and will expire on July 31, 2019, unless renewed.

6 JURISDICTION

7 4. Accusation No. 800-2018-042722 was filed before the (Board), and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on July 3, 2018. Respondent timely filed his Notice of Defense
10 contesting the Accusation. A copy of Accusation No. 800-2018-042722 is attached as Exhibit A
11 and incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2018-042722. Respondent also has carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
16 and Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 8. Respondent agrees that, at an administrative hearing, Complainant could establish a
27 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-
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1 2018-042722 and that he has thereby subjected his Physician's and Surgeon's Certificate to
2 discipline as forth in the Disciplinary Order below.

3 9. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
5 process.

6 CONTINGENCY

7 10. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and surrender, without notice to or participation by
10 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
11 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
12 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
13 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of License and Order, including Portable Document Format
18 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

19 12. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following Order:

22 ORDER

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 31002, issued
24 to Respondent Hakumat Rai Kakkar, M.D., is surrendered and accepted by the Medical Board of
25 California.

26 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
27 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
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1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Medical Board of California.

3 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

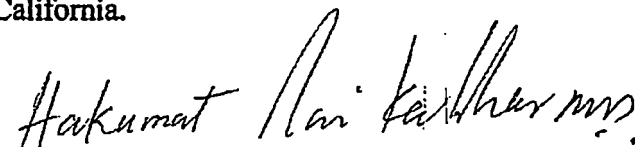
7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Accusation No. 800-2018-042722 shall be deemed to be true, correct and admitted
12 by Respondent when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 800-2018-042722 shall
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Surrender of License and Order and have fully
20 discussed it with my attorney, Lawrence Giardina. I understand the stipulation and the effect it
21 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
22 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Medical Board of California.

24
25 DATED: Dec. 6, 2018



26 HAKUMAT RAI KAKKAR, M.D.
27 Respondent
28

1 I have read and fully discussed with Respondent Hakumat Rai Kakkar, M.D. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 12/15/18


LAWRENCE GIARDINA
Attorney for Respondent


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7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 Dated: 12/18/2018

Respectfully submitted,

11 XAVIER BECERRA
12 Attorney General of California
13 MARY CAIN-SIMON
14 Supervising Deputy Attorney General


15 ALICE W. WONG
16 Deputy Attorney General
17 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-042722

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 3, 2018
BY *[Signature]* ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-042722

13 **Hakumat Rai Kakkar, M.D.**
14 **495 Uinta Way, Suite 130**
15 **Denver, CO 80230**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 31002,**

18 Respondent.

19 Complainant alleges:

PARTIES

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs.

23 2. On or about April 18, 1977, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 31002 to Hakumat Rai Kakkar, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2019, unless renewed.
27
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restrictions, and Limitations Imposed by Another State)

7. On or about March 19, 2018, the Colorado Medical Board and Respondent entered into a Stipulation and Final Agency Order (Stipulation), whereby Respondent was reprimanded with a Letter of Admonition and was placed on probation for five years, with terms and conditions including: successful completion of ProBE (Professional/Problem Based Ethics Program); restriction on delegating medical services as described by statute; successful completion of the CPEP (Center for Personalized Education for Physicians) Patient Care Documentation Seminar, including the pre-program and the six-month post program; and standard probationary conditions. The Stipulation was based on Respondent's admission of unprofessional conduct as set forth in the factual basis of the Stipulation. On or about and between October 2014 to January 2016, Respondent served as the medical director of a substance use disorder treatment facility. Respondent, a neurologist, was not qualified by experience in addiction treatment to serve as a medical director for a substance use disorder treatment program. Respondent delegated "medical services" as defined by the Medical Practice Act, Section 12-36-106(a) to an unlicensed health care provider for medical services provided to four patients; failed to meet the requirements of the Colorado Medical Board rule regarding delegation of medical services and generally accepted standards of medical practice in his care and treatment of the four patients; and failed to properly document and chart the four patients' medical records.

A copy of the Stipulation and Final Agency Order is attached as Exhibit A.

8. Respondent's conduct and the action of the Colorado Medical Board as set forth in paragraph 7, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 31002, issued to Hakumat Rai Kakkar, M.D.;
2. Revoking, suspending or denying approval of Hakumat Rai Kakkar, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Hakumat Rai Kakkar, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: July 3, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2018200574

Exhibit A

Accusation No. 800-2018-042722



BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO

CASE NOS. 2015-4069-B, 2016-2567-B, 2016-2695-B, 2017-6105-B

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE
LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF
HAKUMAT RAI KAKKAR, M.D., LICENSE NUMBER DR-34842,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B
("Panel") of the Colorado Medical Board ("Board") and Hakumat Rai Kakkar, M.D.
("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on October 12, 1995 and was issued license number DR-34842, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 21, 2016 the Panel reviewed case number 2015-4069-B, and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S. The Panel thereupon referred the matter to the Office of Expedited Settlement for resolution of this matter prior to referral to the Attorney General. The Parties did not resolve case number 2015-4069-B, and the Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S. On July 21, 2016, the Panel reviewed case numbers 2016-2567-B and 2016-2695-B, and determined that further proceedings were warranted, and the Panel thereupon referred the matters to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. On December 21, 2017, the Panel reviewed case number 2017-6105-B and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S., and the Panel thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S.



It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case numbers 2015-4069-B, 2016-2567-B, 2016-2695-B, and 2017-6105-B, without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

6. Respondent understands that:

- a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;
- b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S.;
- c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;
- d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and
- e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

FACTUAL BASIS

7. Respondent specifically admits and the Panel finds that:

- a. From October 2014 to January 2016, Respondent served as the medical director of Aminokit Laboratories, Inc., doing business as Treatment Centers XL, ("Aminokit"), a substance use disorder treatment facility.
- b. Respondent's active practice prior to his contract with Aminokit was as a neurologist, and not as a substance use disorder specialist. During his contract with Aminokit as its medical director, Respondent was the only licensed physician on staff. Respondent was not qualified by experience in addiction treatment to serve as medical director for a substance use disorder treatment program.
- c. Respondent treated and was responsible for the medical care of Patients A, B, C, and D at Aminokit. At intake physical exam conducted by

Respondent, Patient A was suffering from alcohol overdose and toxicity, and had withdrawal symptoms. At intake physical exam conducted by Respondent, Patient B had concerns of withdrawal from a neuroleptic antipsychotic medication, which was not an addictive substance. At intake physical exam conducted by Respondent, Patient C had psychotic symptoms, and a history of addiction to various substances. Patient D had a history of heroin addiction, had used heroin recently, and had prior treatment with Suboxone for his addiction.

d. For Patients A, B, C, and D, Respondent prescribed intravenous amino acid infusions proprietary to Aminokit and benzodiazepines as detox medications.

e. Respondent delegated "medical services," as defined by the Medical Practice Act, Section 12-36-106(a), C.R.S; to an unlicensed health care provider at Aminokit ("Delegatee").

f. Colorado Medical Board Rule 800 governs Respondent's delegation of medical services to Delegatees.

g. Respondent's Delegatee had her chiropractic license revoked and was subject to a permanent injunction not to perform any act that constitutes the practice of medicine. Respondent signed an order form delegating the administration of IV infusions for Patient A to a registered nurse and this Delegatee, who was subject to a district court permanent injunction not to administer, insert, prescribe, or monitor any intravenous treatment of any type whatsoever. Delegatee did not administer the IV infusions for Patient A.

h. Respondent did not take measures to assure that his Delegatee was identified in a manner that prevented confusion as to the Delegatee's qualifications and legal authority to provide medical services.

i. Patients A, B, C, and D were admitted by Respondent to treatment and rehabilitation programs at Aminokit, which programs which included overnight stays with sobriety coaches in a hotel or condominium. These Aminokit facilities lacked medical equipment and qualified staff to continuously evaluate and monitor patients undergoing medical detoxification and to timely intervene in the event life-threatening conditions developed.

j. Respondent did not document in the medical records for Patients A, B, C, and D that Respondent provided ongoing inspection, evaluation,

advice, and control of the Delegatee's medical services provided to Patients A, B, C, and D. Respondent did not assure that there were timely note chart entries for all patient contacts. The medical charts do not show that Respondent made decisions as to the necessity, type, effectiveness, and method of treatment, and do not show that Respondent provided personal and responsible direction and supervision that is consistent with generally accepted standards of medical practice.

k. Respondent's medical care and treatment of Patients A, B, C, and D failed to meet the requirements of Board rule regarding delegation of medical services and generally accepted standards of medical practice.

8. Respondent admits and the Panel finds that the acts and/or omissions described in the factual basis above violated Colorado Medical Board Rule 800, Regarding the Delegation and Supervision of Medical Services to Unlicensed Health Care Providers Pursuant to Section 12-36-106(3)(1), C.R.S., and constitute unprofessional conduct pursuant to Section 12-36-117(1)(p) and (u), C.R.S., which states:

(1) "Unprofessional conduct" as used in this article means:

(p) Any act or omission which fails to meet generally accepted standard of medical practice;

(u) Violation of any valid board order or any rule or regulation promulgated by the board in conformance with law.

9. Based upon the above, the Parties stipulate that the terms of this Order are authorized by Section 12-36-118(5)(g)(III), C.R.S.

LETTER OF ADMONITION

10. This provision shall constitute a Letter of Admonition as set forth in Sections 12-36-118(4)(c)(III)(A) and 12-36-118(5)(g)(III), C.R.S. Respondent is hereby admonished for the acts and omissions described in the factual basis above.

11. By entering this Order, Respondent agrees to waive the rights provided by Section 12-36-118(4)(c)(III)(B), C.R.S., to contest this Letter of Admonition.

PROBATIONARY TERMS

12. Respondent's license to practice medicine is hereby placed on probation for five (5) years commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

13. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

ProBE ETHICS PROGRAM

14. Within six months of the effective date of this Order, Respondent shall successfully complete the ProBE Professional/Problem Based Ethics Program ("ProBE") conducted by the Center for Personalized Education for Physicians ("CPEP").

15. Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel directly. Respondent shall not revoke such releases prior to successful completion and final assessment following completion of ProBE. Any failure to execute such a release or any premature revocation of such a release shall constitute a violation of this Order.

16. In order to successfully complete ProBE, Respondent's participation in the course must be rated as successful, without condition or qualification. The Board in its discretion may impose further remedial coursework if the Respondent receives a conditional pass or negative assessment from CPEP.

17. Respondent shall provide proof of timely and successful completion of ProBE to the Panel within six months of the effective date of this Order.

INDEFINITE DELEGATION RESTRICTION

18. Commencing on the effective date of this Order, Respondent shall not delegate the performance of medical services pursuant to Board Rules 400 and 800, or any other provision of law, except for delegating medical-aesthetic services at the medical spa currently owned by Respondent.

19. Respondent may petition the Panel for modification or termination of the delegation restriction set forth in paragraph 18 above upon successful completion of the ProBE Ethics Program. Such written request must be accompanied by the proof set forth in paragraphs 16 and 17 above.

CPEP DOCUMENTATION SEMINAR INCLUDING PRE-PROGRAM AND POST-PROGRAM

20. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") for the purpose of enrolling in a Patient Care Documentation Seminar including the pre-program and the six-month post-program ("CPEP Documentation Seminar").

21. Respondent shall successfully complete the CPEP Documentation Seminar.

22. Respondent must successfully complete all portions of the CPEP Documentation Seminar (including pre-program and post-program) within one year of the effective date of this Order.

23. Respondent shall request that CPEP provide the Panel with a final report following completion of the post-program. Respondent shall assure that such a final report is received by the Panel within one year of the effective date of this Order.

TOLLING OF THE PROBATIONARY PERIOD

24. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five (5) patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

25. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated. The probationary period shall be tolled for any time that Respondent is not in compliance with any term of this Order.

OUT OF STATE PRACTICE

26. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's License on inactive status as set forth in Section 12-36-137, C.R.S. Respondent's request to place his license on inactive status must include written evidence that Respondent has reported this Order to all

other jurisdictions in which Respondent is licensed, as required by the "Other Terms" Section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's License is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's License is inactive.

27. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-36-137(5), C.R.S. With such written request, Respondent shall nominate a compliance monitor as provided above. Respondent shall be permitted to resume the active practice of medicine only after approval of the compliance monitor.

EARLY TERMINATION OF PROBATION

28. After successful completion of three years of probation and all terms and conditions of this Stipulation, Respondent may petition the Panel, in writing, for early termination of probation. The parties agree that the Panel's decision regarding such a petition shall be made at the sole discretion of the Panel. Respondent hereby waives any right to appeal the Panel's decision on this issue.

TERMINATION OF PROBATION

29. Upon the expiration of the probationary period, Respondent may submit a written request for restoration of Respondent's license to unrestricted status. If Respondent has complied with the terms of probation, and if Respondent's probationary period has not been tolled, such release shall be granted by the Panel in the form of written notice.

OTHER TERMS

30. The terms of this Order were mutually negotiated and determined.

31. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

32. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

33. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

34. Respondent shall submit an update to his profile with the Healthcare Professions Profiling Program regarding this Order within thirty (30) days of the effective date of this Order.

35. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana Program. Respondent hereby understands and agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

36. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

37. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

The Medical Center of Aurora; Sky Ridge Medical Center; Kit Carson County Memorial Hospital; Wray Community Hospital; Platte Valley Medical Center; Colorado Acute Long Term Hospital; Vibra Rehab; Sidney Regional Medical Center, Sidney, Nebraska; Perkins County Health Services, Grant, Nebraska; and Dundy County Hospital, Benkelman, Nebraska

38. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in Section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

39. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

40. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

41. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

42. Respondent acknowledges that the Panel may choose not to accept the terms of this Agreement and that if the Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

43. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

44. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's license. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank and as otherwise required by law.

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Hakumat Rai Kakkar M.D.
Hakumat Rai Kakkar, M.D.

THE FOREGOING Stipulation and Final Agency Order is approved this 19
day of March, 2018.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL B

Paula E. Martinez
Paula E. Martinez, Program Director,
Delegated Authority to Sign by
Inquiry Panel B

THE FOREGOING Stipulation and Final Agency Order is effective upon
service to Respondent, on March 19, 2018.

David E. Jackson

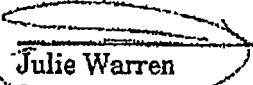
APPROVED AS TO FORM:

FOR THE RESPONDENT
HAKUMAT RAI KAKKAR, M.D.

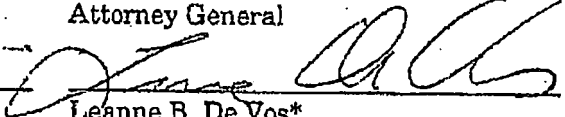
FOR THE COLORADO MEDICAL
BOARD

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